

Amendment No. 1 to HB1138

Marsh
Signature of Sponsor

AMEND Senate Bill No. 760*

House Bill No. 1138

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated 62-3-123, is amended by adding the following new subsection:

(e)

(1) The board shall issue an authorization to provide postsecondary education in this state to any school registered with the board if the school:

(A) Provides proof that the school holds a current, valid accreditation as a postsecondary institution from a postsecondary accrediting agency recognized by the United States department of education;

(B) Provides an attestation through an authorized representative of the school to the board that its regular enrolled students are primarily persons who have completed or terminated their secondary education or who are beyond the age of compulsory high school attendance; and

(C) Holds a current, valid certificate of registration issued by the board to operate the school.

(2) If a school fails at any time to meet any requirement under subdivision (e)(1) or any requirement for registration under this part or rules

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promulgated under this part, then any authorization as a postsecondary institution issued by the board under this subsection (e) shall be invalid until such time as the school provides sufficient proof that it meets all of the requirements of subdivision (e)(1).

(3) Providing false information on the attestation required under subdivision (e)(1)(B) shall be grounds to revoke or suspend the certificate of registration of any school pursuant to § 62-3-127.

(4) No school shall be required to comply with the requirements for post-secondary authorization pursuant to the Postsecondary Authorization Act of 1974, compiled in title 49, chapter 7, part 20; provided, however, any school whose authorization by the department of commerce is denied by the United States Department of Education for student financial aid purposes may seek authorization from the Tennessee higher education commission under the Postsecondary Authorization Act of 1974, compiled in title 49, chapter 7, part 20, and shall thereafter be subject to all requirements of title 49, chapter 7, part 20.

(5) For purposes of this subsection (e):

(A) "Board" means the board of barber examiners; and

(B) "School" means a barber school or college of barbering registered with the board of barber examiners.

(6) This subsection (e) shall expire and be of no force and effect after June 30, 2014.

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SECTION 2. Tennessee Code Annotated 62-4-121, is amended by adding the following new subsection:

(e)

(1) The board shall issue an authorization to provide postsecondary education in this state to any school licensed with the board if the school:

(A) Provides proof that the school holds a current, valid accreditation as a postsecondary institution from a postsecondary accrediting agency recognized by the United States department of education;

(B) Provides an attestation through an authorized representative of the school to the board that its regular enrolled students are primarily persons who have completed or terminated their secondary education or who are beyond the age of compulsory high school attendance; and

(C) Holds a current, valid license issued by the board to operate the school.

(2) If a school fails at any time to meet any requirement under subdivision (e)(1) or any requirement for registration under this part or rules promulgated under this part, then any authorization as a postsecondary institution issued by the applicable board under this subsection (e) shall be invalid until such time as the school provides sufficient proof that it meets all of the requirements of subdivision (e)(1).

(3) Providing false information on the attestation required under subdivision (e)(1)(B) shall be unprofessional conduct pursuant to § 62-4-127.

(4) No school shall be required to comply with the requirements for post-secondary authorization pursuant to the Postsecondary Authorization Act of 1974, compiled in title 49, chapter 7, part 20; provided, however, any school whose authorization by the department of commerce is denied by the United States Department of Education for student financial aid purposes may seek authorization from the Tennessee higher education commission under the Postsecondary Authorization Act of 1974, compiled in title 49, chapter 7, part 20, and shall thereafter be subject to all requirements of title 49, chapter 7, part 20.

(5) This subsection (e) shall expire and be of no force and effect after June 30, 2014.

SECTION 3. Tennessee Code Annotated Title 62, Chapter 4, Part 1, is amended by adding the following new sections thereto:

62-4-135.

(a) Notwithstanding § 62-4-102(16), for purposes of this section, “school” means any school that is licensed or registered by the board.

(b) The board shall issue an authorization to provide postsecondary education in this state to any school if the school:

(1) Provides proof that the school holds a current, valid accreditation as a postsecondary institution from a postsecondary accrediting agency recognized by the United States department of education;

(2) Provides an attestation through an authorized representative of the school to the board that its regular enrolled students are primarily persons who have completed or terminated their secondary education or who are beyond the age of compulsory high school attendance; and

(3) Holds a current, valid license issued by the board to operate the school.

(c) If a school fails at any time to meet any requirement under subsection (b) or any requirement for registration under this part or rules promulgated under this part, then any authorization as a postsecondary institution issued by the board under this section shall be invalid until such time as the school provides sufficient proof that it meets all of the requirements of subsection (b).

(d) Providing false information on the attestation required under subdivision (b)(2) shall be unprofessional conduct pursuant to § 62-4-127.

(e) No school shall be required to comply with the requirements for post-secondary authorization pursuant to the Postsecondary Authorization Act of 1974, compiled in title 49, chapter 7, part 20; provided, however, any school whose authorization by the department of commerce is denied by the United States Department of Education for student financial aid purposes may seek authorization from the Tennessee higher education commission under the Postsecondary Authorization Act of 1974, compiled in title 49, chapter 7, part 20, and shall thereafter be subject to all requirements of title 49, chapter 7, part 20.

(f) This section shall expire and be of no force and effect after June 30, 2015.
62-4-136.

(a)

(1) Any person claiming damage or loss as a result of any act or practice by a school, as defined by § 62-4-135 (a) or its agent, or both, that is a violation of this part or of rules promulgated under this part, may file with the board a verified complaint against the school or against its agent, or both.

(2) The complaint shall set forth the alleged violation and shall contain other information that may be required by the board.

(b) The board may consider a complaint after ten (10) days' written notice by registered mail, return receipt requested, to the school or to the agent, or both, as appropriate, giving notice of a time and place for hearing on the complaint. Any hearing held pursuant to this section shall be conducted pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) If, upon all the evidence at a hearing, the board finds that a school or its agent, or both, has engaged in or is engaging in, any act or practice that violates this part or rules promulgated under this part, the board may commence an action to revoke a school's authorization granted pursuant to § 62-4-135.

SECTION 4. The board of barber examiners may promulgate rules to effectuate the provisions of Section 1 of this act. The state board of cosmetology may promulgate rules to effectuate the provisions of Section 2 of this act. The state board of cosmetology and barber examiners may promulgate rules to effectuate the provisions of Section 3 of this act. All such rules shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 5. Section 1 and Section 2 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall expire and be of no force and effect after June 30, 2014. Section 3 of this act shall take effect July 1, 2014, the public welfare requiring it, and shall expire and be of no force and effect after June 30, 2015. Section 4 of this act shall take effect upon becoming a law, the public welfare requiring it, and shall expire and be of no force and effect after June 30, 2015.